

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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June 27, 2022

Anthony Oliver  
Augusta SMP - Inmate Legal Mail  
3001 GORDON HWY  
GROVETOWN, GA 30813-3808

Appeal Number: 22-11036-A  
Case Style: Anthony Oliver v. Jamie Michelle Luner, et al  
District Court Docket No: 1:21-cv-05151-TCB

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Toya J. Stevenson, A  
Phone #: (404) 335-6188

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 22-11036-A

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ANTHONY OLIVER,

Plaintiff - Appellant,

versus

JAMIE MICHELLE LUNER,  
MEREDITH CORPORATION,  
VIACOMCBS REALTY CORPORATION,  
NYP HOLDINGS, INC.,  
DOES 1-50, INCLUSIVE,

Defendants - Appellees,

EHM PRODUCTIONS, INC., et al.,

Defendants.

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Appeal from the United States District Court  
for the Northern District of Georgia

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Before: WILSON, JILL PRYOR and LAGOA, Circuit Judges.

BY THE COURT:

Anthony Oliver, a Georgia prisoner, moves this Court for leave to proceed on appeal from the dismissal without prejudice of his complaint alleging defamation, intentional infliction of emotional distress, and unfair business practices. The district court ordered the case dismissed without prejudice, concluding that venue was improper in the Northern District, but it was not in the interests of justice to transfer the case. First, it noted that the Southern District of Georgia and the Central District of California had imposed filing restrictions against Oliver, and transferring

the case effectively would allow him to skirt those restrictions. Second, it said that, “as this district has no relationship to the claims raised in the complaint, Oliver likely filed it here in a bad faith effort to forum shop for a court that has not restricted his filings.” Finally, it said that Oliver’s claims, if transferred to a proper venue, would still be subject to dismissal because they were barred by both Georgia and California’s one-year statutes of limitations on defamation claims, and, thus, transfer would waste judicial resources. Oliver appealed, and the district court denied LTP on appeal. He consented to pay the filing fee and now moves this Court for LTP.

Because Oliver has consented to paying the filing fee, the only remaining issue is whether an appeal would be frivolous. *See* 28 U.S.C. § 1915(e)(2)(B). “[A]n action is frivolous if it is without arguable merit either in law or fact.” *Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002) (quotation omitted), *overruled on other grounds by Hoefer v. Marks*, 993 F.3d 1353 (11th Cir. 2021). This Court reviews dismissal of a lawsuit for improper venue for an abuse of discretion. *Home Ins. Co. v. Thomas Indus., Inc.*, 896 F.2d 1352, 1355 (11th Cir. 1990).

Here, there is no potentially meritorious argument that the district court abused its discretion in dismissing the case without prejudice. Venue was not proper in the Northern District of Georgia because (1) no defendant resided in the Northern District or, for that matter, in Georgia; (2) no part of the events giving rise to the action occurred in the Northern District; and (3) this action could have been brought in the Central District of California, as the alleged sexual assault occurred in Los Angeles. *See* 28 U.S.C. § 1391(b). Further, the court was well within its discretion to conclude that transfer would not be interests of justice, as the most appropriate forum for Oliver’s claims—the Central District of California—had already imposed filing restrictions on him, and transfer would allow him to skirt those restrictions. Likewise, because Oliver had a history of abusive litigation, none of the defendants resided in the Northern District, and none of

the events underlying any of Oliver's claims occurred there, the district court did not abuse its discretion in concluding that Oliver chose the district in bad faith. Accordingly, Oliver's motion for leave to proceed is DENIED and this appeal is DISMISSED.

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June 24, 2022

Anthony Oliver  
Augusta SMP - Inmate Legal Mail  
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GROVETOWN, GA 30813-3808

Appeal Number: 22-11036-A  
Case Style: Anthony Oliver v. Jamie Michelle Luner, et al  
District Court Docket No: 1:21-cv-05151-TCB

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at [www.pacer.gov](http://www.pacer.gov). Information and training materials related to electronic filing are available on the Court's website.

The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Toya J. Stevenson, A  
Phone #: (404) 335-6188

MOT-2 Notice of Court Action